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In re Application of :
CARLISLE, Geoffrey :
Application No.: 10/577,802 :
PCT No.: PCT/AU04/01502 :
Int. Filing Date: 29 October 2004 :
Priority Date: 30 October 2003 :
Attorney Docket No.: P382155 :
For: BUILDING FORMWORK MODULE FOR :
USE IN A MODULAR CONCRETE :
FORMWORK SYSTEM :

DECISION ON REQUEST

This decision is issued in response to the "Supplemental Petition to Correct Inventorship under 37 CFR 1.497(d)" filed 01 November 2007, treated herein as a Renewed Petition under 37 CFR 1.497(d). The \$130 petition fee has been submitted.

BACKGROUND

On 29 October 2004, applicant filed international application PCT/AU04/01502 which claimed a priority date of 30 October 2003. The published international application identified two applicant/inventors for the United States: Geoffrey Carlisle and Bruce Howard Goldby. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 30 April 2006.

On 28 April 2006, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; and a preliminary amendment.

On 08 November 2006, the United States Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 30 April 2007, applicant filed a request under 37 CFR 1.497(d) to remove inventor Bruce Howard Goldby as an inventor. In a decision dated 30 August 2007, applicant's petition under 37 CFR 1.497(d) was dismissed without prejudice.

On 01 November 2007, applicant submitted the present renewed request under 37 CFR 1.497(d).

DISCUSSION

The present submission seeks to correct the inventorship so as to remove inventor Bruce Howard Goldby from the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicant must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

(1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17; and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).

(4) any new oath or declaration required by paragraph (f) of this subsection.

With respect to item (1), applicant has submitted a statement from the inventor being deleted, Bruce Howard Goldby, in which the inventor states that the earlier error in inventorship did not result from deceptive intent on his part. Item (1) is therefore satisfied.

With respect to item (2), applicant has submitted the required \$130 processing fee. Item (2) is therefore satisfied.

With respect to item (3), applicant has submitted a statement of consent to the change of inventorship executed on behalf of the assignee, GreenGate Homes Ltd. This consent is accompanied by a Statement under 37 CFR 3.73(b). Item (3) is therefore satisfied.

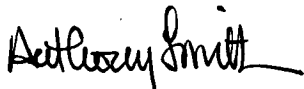
Item (4) does not apply to the present application.

Accordingly, applicant has satisfied all the requirements for correction of inventorship under 37 CFR 1.497(d).

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED**.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



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